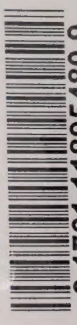


800-25/004

Government
Library



3 1761 11895480 9

CA1
Z2
-C52

FIRST MINISTERS' CONFERENCE
ON THE CONSTITUTION

CONFÉRENCE DES PREMIERS MINISTRES
SUR LA CONSTITUTION

VERBATIM TRANSCRIPT

(unrevised)

COMPTE RENDU TEXTUEL

(non révisé)



Ottawa
June 3, 1987

Ottawa
Le 3 juin 1987

FIRST MINISTERS' CONFERENCE
ON THE CONSTITUTION

CONFÉRENCE DES PREMIERS MINISTRES
SUR LA CONSTITUTION

VERBATIM TRANSCRIPT

COMPTE RENDU TEXTUEL

(unrevised)

(non révisé)

OTTAWA

June 3, 1987

Le 3 juin 1987

Prepared by the

Rédigé par le

INTERGOVERNMENTAL
DOCUMENT
CENTRE

CENTRE DE
DOCUMENTATION
INTERGOUVERNEMENTALE

PLEASE NOTE

This document is the property of the Canadian Intergovernmental Conference Secretariat (CICS) and is made available for education and/or information purposes only. Any misuse of its contents is prohibited, nor can it be sold or otherwise used for commercial purposes. Reproduction of its contents for purposes other than education and/or information requires the prior authorization of the CICS.

VEUILLEZ NOTER

Ce document est la propriété du Secrétariat des conférences intergouvernementales canadiennes (SCIC) et il est distribué à des fins éducatives et informatives seulement. Il est interdit de l'utiliser à mauvais escient, de le vendre ou de s'en servir à des fins commerciales. Il est également interdit d'en reproduire le contenu pour des fins autres que l'éducation ou l'information, à moins d'avoir obtenu au préalable l'autorisation du SCIC.

TABLE OF CONTENTS / TABLE DES MATIÈRES

CONFERENCE REPORTING / LE COMPTE RENDU DE LA CONFÉRENCE

June 2, 1967 - Afternoon Session /
le 2 juin 1967 - Séance de l'après-midi

CONFERENCE PROCEEDINGS / LES DÉBATS DE LA CONFÉRENCE

Welcomes by the Rt. Hon. Brian Mulroney, (Chairman) /
Mise en place par le hon. Brian Mulroney, (Président)

Official Signatures of the Accord /
Signatures officielles de l'accord


CAUTION

Readers should note that this
verbatim transcript has not
been verified by the speakers
whose statements are reported
herein, nor revised by the
CICS. This document has no
official status as a record of
the Conference.

AVERTISSEMENT

Le lecteur est prié de noter
que ce compte rendu textuel n'a
pas été vérifié par les
personnes dont les propos sont
reproduits et qu'il n'a pas été
révisé par le SCIC. Ce
document ne constitue pas un
compte rendu officiel de la
Conférence.

Manitoba	10-11
British Columbia	12-13
Prince Edward Island	14-15
Saskatchewan	16-17
Alberta	18-19
Ontario	20-21
Quebec	22-23
Atlantic / Atlantique	24-25



Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761118954809>

TABLE OF CONTENTS / TABLE DES MATIÈRES

	<u>PAGE</u>
 A. <u>CONFERENCE SESSION / SÉANCE DE LA CONFÉRENCE</u>	
June 3, 1987 - Afternoon Session / Le 3 juin 1987 - Séance de l'après-midi	1
 B. <u>CONFERENCE PROCEEDINGS / DÉLIBÉRATIONS DE LA CONFÉRENCE</u>	
Welcome by the Rt. Hon. Brian Mulroney (Chairperson) / Mot de bienvenu du très honorable Brian Mulroney (Président)	1
Official Signature of the Accord/ Signature officielle de l'Accord	1-3
 <u>Statements / Déclarations</u>	
Canada	3-6, 37-38
Ontario	33-37
Québec	7-10
Nova Scotia / Nouvelle-Écosse	30-33
New Brunswick / Nouveau-Brunswick	11-12
Manitoba	26-30
British Columbia / Colombie-Britannique	12-14
Prince Edward Island / Île-du-Prince-Édouard	25-26
Saskatchewan	15-17
Alberta	23-25
Newfoundland / Terre-Neuve	18-22

C. APPENDICES / ANNEXES

Appendix		Agenda
Annexe	A	Ordre du jour
Appendix		List of First Ministers and Ministers
Annexe	B	Liste des Premiers ministres et ministres
Appendix		1987 Constitutional Accord
Annexe	C	Accord Constitutionnel de 1987

FIRST MINISTERS' CONFERENCE
ON THE CONSTITUTION

CONFÉRENCE DES PREMIERS MINISTRES
SUR LA CONSTITUTION

VERBATIM TRANSCRIPT

(unrevised)

June 3, 1987

COMPTE RENDU TEXTUEL

(non révisé)

Le 3 juin 1987

12:15 / 12h15

THE RIGHT HONOURABLE BRIAN MULRONEY, PRIME MINISTER OF CANADA: Colleagues, collègues, si on peut entamer le processus, nous avons quelques interventions et quelques gestes à poser, et nous allons commencer immédiatement.

In the early hours of this morning, after long hours of continuous negotiations, the First Ministers reached formal agreement on the Meech Lake Accord. Accordingly, we will all be submitting the appropriate resolutions to Parliament and the Legislatures.

I know we all have our own thoughts and comments at this moment in the history of our country, but before inviting the Premiers' comments I would ask them to formerly join with me in signing the Accord.

Je demanderais à tous les Premiers ministres de bien vouloir se joindre à moi dans la signature officielle de l'Accord du lac Meech, qui fut entériné, ratifié, après de longues heures de discussion entre nous tôt ce matin.

OFFICIAL SIGNATURE OF THE ACCORD, IN THE FOLLOWING ORDER:

The Right Honourable Brian Mulroney, Prime Minister of Canada
Mr. Robert Bourassa, Premier of the Province of
Québec.

The Honourable Richard Hatfield, Premier of the Province
of New Brunswick

The Honourable William Vander Zalm, Premier of the Province
of British Columbia

The Honourable Grant Devine, Premier of the Province of Saskatchewan

The Honourable Brian Peckford, Premier of the Province of Newfoundland

The Honourable Donald Getty, Premier of the Province of Alberta

The Honourable Joseph Ghiz, Premier of the Province of Prince Edward Island

The Honourable Howard Pawley, Premier of the Province of Manitoba

The Honourable John Buchanan, Premier of the Province of Nova Scotia

The Honourable David Peterson, Premier of the Province of Ontario

SIGNATURE OFFICIELLE DE L'ACCORD, DANS L'ORDRE SUIVANT:

Le très honorable Brian Mulroney, Premier ministre du Canada
M. Robert Bourassa, Premier ministre de la province de Québec

L'honorable Richard Hatfield, Premier ministre de la province du Nouveau-Brunswick

L'honorable William Vander Zalm, Premier ministre de la province de Colombie-britannique

L'honorable Grant Devine, Premier ministre de la province de Saskatchewan

L'honorable Brian Peckford, Premier ministre de la province de Terre-Neuve

L'honorable Donald Getty, Premier ministre de la province de l'Alberta

L'honorable Joseph Ghiz, Premier ministre de la province
de l'Ile-du-Prince-Edouard

L'honorable Howard Pawley, Premier ministre de la province
du Manitoba

L'honorable John Buchanan, Premier ministre de la province
de la Nouvelle-Ecosse

L'honorable David Peterson, Premier ministre de la province
de l'Ontario

THE CHAIRPERSON: Colleagues, messieurs les
Premiers ministres, ladies and gentlemen, chers amis, today
we close one chapter in Canadian history and begin another.

Today we welcome Quebec back to the Canadian
constitutional family. Today we have formalized the
principles of the Meech Lake agreement in language that has
been agreed upon by all eleven First Ministers. And tomorrow
we get on with the business of building a new Canada, for a
a new decade and a new century.

A tous mes collègues ici présents, j'adresse
mes plus sincères remerciements et mes félicitations pour
la façon dont ils ont su relever le défi du lac Meech et
mener cette entreprise à bien après de longues discussions
qui nous ont menés, comme vous le savez, tard dans la nuit.

A nos concitoyens de toutes les régions du
pays je tiens à exprimer ma gratitude et mes remerciements
pour les nombreux signes d'appui qu'ils nous ont manifestés
ces dernières semaines. Votre appui nous a donné l'encourage-
ment qu'il fallait pour mener notre tâche à bien. Vous étiez
effectivement très conscients de l'importance de mettre un

terme à l'isolement constitutionnel du Québec. Vous saviez l'importance de ramener le Québec dans le giron constitutionnel canadien, en tenant compte à la fois des aspirations légitimes de toutes les régions du Canada et des responsabilités du gouvernement national.

And, above all, you knew that it was a time for healing in this land. On behalf of all First Ministers and governments of all political stripes represented around this table, I want to thank you for that and for your confidence in your representatives to do the right thing for Canada.

Nous déposerons bientôt en Chambre une résolution portant sur les modifications constitutionnelles convenues dans l'Accord du lac Meech. Dès qu'ils le pourront, mes collègues des provinces vont saisir leurs assemblées législatives respectives d'une résolution constitutionnelle. L'Accord du lac Meech deviendra alors partie intégrante de notre Constitution, la loi fondamentale de notre pays, le contrat social canadien.

But the process of constitutional reform does not end here. We will deal with the issue of fishery, we will discuss Senate reform, at meetings, until the job is done. At our first meeting next year, colleagues, I will be placing, as I have indicated, a proposal for Senate reform on the table. And I know we welcome the views of Canadians everywhere as to how our second Chamber may be more representative of the regions of Canada. I know this is a particular concern in western Canada. This government

has heard the voices of the west about your concerns in energy and agriculture, about your hopes for western diversification and about Senate reform.

To our fellow citizens in Atlantic Canada, a region which for too long has received uneven treatment from confederation, I want to say that it is in today's spirit of a new federalism that we will be launching new economic initiatives soon, pursuant to a great degree of cooperation with the Atlantic First Ministers.

To Premier Peterson, may I say that that particular spirit of sharing has always motivated the people of Ontario, who have always put the national interests first. I salute your contribution and that of your fellow First Ministers in that spirit during our deliberations.

Avant de terminer, je voudrais m'adresser à mes concitoyens du Québec. Nous avons tous espéré pouvoir un jour oublier nos différences et oeuvrer ensemble à l'accomplissement de notre destinée commune en tant que Canadiens.

J'ai l'intime conviction, et c'est aussi mon espoir le plus fervent, que cet accord nous le permettra.

Je voudrais remercier plus particulièrement et de façon spéciale le Premier ministre du Québec, mon ami Robert Bourassa qui, comme ses collègues, a su relever le défi du lac Meech avec courage, vigueur et persévérance.

Monsieur le Premier ministre Bourassa, j'espère qu'on pourra dire que vous avez signé cet accord dans l'honneur et l'enthousiasme, et que l'Assemblée nationale fera bientôt de même.

Merci à vous tous.

At the suggestion, colleagues, of the distinguished Premier of Ontario, who normally would speak to this occasion, we will begin today with the Premier of Quebec and go clockwise, and Premier Peterson will conclude the comments today.

Monsieur le Premier ministre Bourassa, je vous cède la parole.

M. ROBERT BOURASSA, PREMIER

MINISTRE, PROVINCE DE QUÉBEC: Merci. Monsieur le Premier ministre, mes chers collègues, mes chers compatriotes, c'est avec beaucoup de fierté et une certaine émotion que nous acceptons et que nous exprimons notre profonde satisfaction et notre joie de réintégrer la Constitution canadienne.

Le Québec réintègre cette constitution la tête haute, à la suite de négociations qui ont pu paraître longues mais qui étaient particulièrement importantes pour la stabilité et l'unité de notre pays.

Vous me permettez, monsieur le Premier ministre, de vous remercier très chaleureusement pour le savoir-faire politique exceptionnel dont vous avez fait preuve dans cette négociation, animé par une profonde détermination de servir l'unité de votre pays et vos concitoyens du Québec. Vous me permettez également de remercier tous mes collègues Premiers ministres des différentes provinces du Canada qui ont manifesté, dès le début du processus de négociation, notamment à Edmonton au cours du mois d'août dernier... qui ont manifesté cette ouverture vis-à-vis le Québec en lui donnant, dans la solution des problèmes constitutionnels, alors que beaucoup d'autres questions étaient considérées... en lui donnant la priorité.

Je veux également remercier tous mes collègues, notamment le ministre responsable, monsieur Rémillard, mes collègues du Conseil des ministres et de

l'Assemblée nationale, de même que tous les collaborateurs, conseillers et hauts fonctionnaires qui ont travaillé sans relâche et dans des conditions qui n'étaient pas toujours faciles pour la réussite de cet accord.

Le Québec est fier aujourd'hui parce que nous avons obtenu cet accord à la suite d'un mandat populaire le 2 décembre 1985, où nous avons dit à la population du Québec que nous étions prêts à réintégrer la Constitution canadienne si certaines demandes ou certaines propositions du Québec étaient acceptées.

Le Québec, maintenant, aux tous premiers articles de la Constitution de 1867, est reconnu formellement et solennellement comme société distincte. Il y a aussi dans cette reconnaissance des clauses de sécurité juridique qui expriment la situation particulière du Québec en Amérique du Nord.

Nous avons également obtenu, à la suite d'une négociation entre nous, une négociation qui n'était pas toujours facile puisqu'elle se trouvait à devoir représenter des intérêts dans l'ensemble du pays, une réévaluation, une nouvelle application du pouvoir de dépenser, reconnaissance normale du pouvoir de dépenser du gouvernement fédéral qui existe de toute manière depuis un siècle et qui n'a jamais subi aucune contestation juridique, un pouvoir de dépenser plus équilibré parce qu'il va permettre maintenant aux différentes provinces de pouvoir participer d'une façon concrète et réelle dans son application.

Parlant du Québec comme société distincte,

il faut mentionner les gains qui ont été faits par notre province dans un secteur-clé et directement relié à la sécurité culturelle du Québec, c'est-à-dire le secteur de l'immigration. Dans cette question du partage des pouvoirs, qui devra faire l'objet d'une deuxième ronde de négociations, nous avons, dès la première ronde, mis l'accent sur cette question d'immigration, étant donné les phénomènes démographiques que nous constatons actuellement et étant donné le fait bien compréhensible de la vulnérabilité de la culture française en Amérique du Nord.

Dans le cas de la Cour suprême, là aussi, nous avons obtenu une consécration du rôle du Québec dans les institutions fédérales avec la nomination, à même des listes présentées par le Québec, de trois juges sur neuf, même si notre proportion de la population est inférieure.

Finalement, dans la question de la formule d'amendement, nous avons cette reconnaissance, dans cette formule, de l'égalité des provinces puisque, pour les institutions fédérales, il faudra maintenant l'accord de toutes les provinces avant de pouvoir les modifier.

My dear fellow citizens, as of today there is a more solid national unity in this country. Canada is one of the greatest countries of the world because of its political identity and because of its original characteristics. One of the most important original characteristics of this country is the participation of Quebec as a major partner.

It is with great pride as a Quebecker and as a Canadian that I am here today to express my deep satisfaction with the re-integration of Quebec within the Canadian Constitution.

Mes chers amis, c'est donc avec une profonde satisfaction et beaucoup de joie que je veux exprimer, au nom de l'ensemble de mes concitoyens, la reconnaissance à tous mes collaborateurs et la confiance dans l'avenir d'un pays où l'unité sera plus solide en respectant nos caractéristiques qui font l'originalité de notre pays.

THE CHAIRPERSON: Merci, monsieur le Premier ministre.

May we now turn to the distinguished Premier of New Brunswick, the Honourable Richard Hatfield.

HONOURABLE RICHARD HATFIELD, PREMIER OF THE PROVINCE OF NEW BRUNSWICK: Prime Minister, first of all, I would like to say, personally, thank you for bringing us to this stage of our constitutional development. Secure in the knowledge that we can all henceforth work together, the evolution of Canada's Constitution begins today.

A federation like ours, because of a healthy and dynamic relationship, prospers. The Constitution is sometimes changed in radical ways. We did that in 1982. We patriated it, and introduced and entrenched the Charter of Rights and Freedoms.

Those changes put the Constitution in the hands of the Canadian people where it belongs, with stout guarantees of your and my fundamental rights and freedoms.

Today we are recommending something quite different. We are proposing to amend the Constitution so that it reflects what we already know is true and what we already know works. The effect of these changes is to move us forward finally, as one nation united. Quebec, with one-quarter of Canada's population, takes its rightful place in constitutional development.

Rather than novelty, experience and reality have been our guide.

In closing, I want to say to Mr. Bourassa and to those who work with him that they have my respect and my admiration.

Merci.

THE CHAIRPERSON: Thank you, Mr. Premier.
Premier Vander Zalm.

HONOURABLE WILLIAM VANDER ZALM, PREMIER OF THE PROVINCE OF BRITISH COLUMBIA: Mr. Prime Minister and fellow Premiers, there is a sense here today, and I am sure that we all share it, that we are taking part in an extremely important and historic event which will be remembered by future Canadians as the day on which Canada truly became a united country.

For my part, I feel very privileged and honoured to represent British Columbia at this gathering to formalize and finalize the accord in principle which we reached at Meech Lake. This truly is a day of destiny in the affairs of Canada, a day when our sister province, Quebec, came back into the constitutional fold.

Not only does Quebec become a full and true member of the Canadian family, but all the provinces, the federal government, and all Canadians can together celebrate an agreement which further defines the unique nature of our Canadian federation in a number of ways.

The provisions of this agreement relating to immigration, to the Supreme Court, to spending powers and the mechanisms and means through which our government works towards constitutional reform signal a new maturity and a new purpose and a willingness to work together.

Together we have taken a major step in defining our Constitution. Although there will be many more steps in the years and decades which lie ahead, we nevertheless face the future with confidence.

If we can again demonstrate, Mr. Prime Minister, the spirit, the flexibility, the compromise and constructiveness that allowed for the conclusion of this accord, we need have no fears or doubts.

Mr. Prime Minister, it has been fashioned over the years, most noticeably in relation to the debates and discussions on constitutional issues, to categorize and classify the participants, the provincial governments and the national government, as either winners or losers.

Today, as Canadians around this table, there are no losers. Instead, Canada is a winner.

I believe that what we did at Meech Lake, what we do today, and what together we can do in the future will bring us closer and increase our shared sense of equality and national purpose.

The discussions we have held, beginning at Meech Lake, were marked by a spirit of compromise and an

openness that never wavered.

I know there are those who have spoken out against the agreement, Mr. Prime Minister, and the solution we have reached, while still others describe what we have accomplished as just another example of the great Canadian art of compromise.

I have no quarrel with those words. Rather, I see them as a compliment that should be directed to the Prime Minister and all the other participants.

In closing, Mr. Prime Minister, let me offer my sincere thanks and congratulations to my fellow Premiers for a job well done. Especially to you, Mr. Prime Minister, let me give a special tribute.

I believe, without a doubt, that your leadership and your ability to keep things together and your understanding and our unbelievable patience, which was demonstrated so tremendously well during the whole of last night, are the main reasons that we are here today in Ottawa. I have no doubt about that, Mr. Prime Minister. You have helped us to write a new chapter in our history and have allowed us to make a new beginning which will see our country grow, prosper and take its rightful place on the world stage as a nation in the best and finest sense of the word.

Thank you.

THE CHAIRPERSON: I thank you, Mr. Premier.
Premier Devine, please.

HONOURABLE GRANT DEVINE, PREMIER OF THE
PROVINCE OF SASKATCHEWAN: Mr. Prime Minister, fellow
Premiers, this is a momentous day in Canada's development
as a nation.

I extend sincere congratulations to you,
Mr. Prime Minister, to my colleagues, and to the
country.

The constitutional document, to which we
have all given our assent today, addresses major
issues which have divided Canadians for decades, issues
that go to the heart of Canada as a nation.

Why is it that this morning, June 3, 1987,
we have been able to find the solutions which have
been so elusive in the past?

I believe the signing of the
constitutional agreement today is an indication of the
maturity of our country, and that maturity has been
attained.

But, more importantly, and more
particularly, Mr. Prime Minister, I want to share with
Canadians my feelings of appreciation and my sincere
respect for the first ministers of this great country; and
for yourself, for your patience, as has been mentioned,
and your tenacity to hang in there to make it happen.

I want Canadians to know that the
first ministers and the people around this table really
do care, sincerely care, about their people and about

their communities, and about their country.

The agreement we have here takes us beyond a single achievement. Today we have agreed on measures to improve the manner in which provinces and the federal government can work together to build a stronger Canada to meet the challenges of the twenty-first century.

Mr. Prime Minister, we all know how actions taken in one part of the country affect another part. There is a need for good communication and for full consultation.

There are those who have and will argue that some ideal formula exists to determine once and for all that the federation should be strongly centralized, or others who say it should be decentralized.

Well, in my view, the complexity and the interdependence of governments today has made this concept just all too simple to deal with the realities of the world. It has made impossible the rigid separation of federal and provincial tiers of responsibility.

Yes, we have our legal jurisdictions, and we will maintain them. But what is done in either jurisdiction, clearly and closely, affects what can be done in the other.

Today, in my view, a truly effective national policy can only come about when two orders of government co-ordinate their programs and policies across a broad range of responsibilities, all of which

are interdependent and all of which contribute to national policy.

This agreement recognizes the political reality of the Canadian nation.

Finally, Mr. Prime Minister, let me say we, in the west, sincerely welcome Quebec into the Constitution of Canada.

We, in the west, are pleased to see that this is an opportunity to have greater input into the things that affect us in western Canada.

I believe that, as a result of the measure taken, westerners will be included in the central decision-making structures of government as they have never been before.

I believe this agreement signals the fact that we are willing to work together as a team to build a stronger and more united Canada.

We will now have the opportunity to get on with the pressing issues at hand: new and changing institutions; new provinces; new opportunities for all Canadians; and, indeed, pressing international issues of trade and world peace that, frankly, need a strong and wise Canadian hand.

I look forward to the future of Canada with a great deal of excitement, Mr. Prime Minister, for my children and for my children's children.

Thank you.

THE CHAIRPERSON: Thank you, Mr. Premier.
Premier Peckford, please.

HONOURABLE BRIAN PECKFORD, PREMIER OF THE PROVINCE OF NEWFOUNDLAND: Mr. Prime Minister, and fellow Premiers, as the person who has been described as the "bad boy" of Confederation, I am very pleased to be at this table this morning. I am very pleased to have the opportunity to sign the documents that we signed last night and here at this table.

I think it heralds a new day for Canada and for Canadians. I believe sincerely, as the Premier of British Columbia said, and as the Premier of Saskatchewan has said, and the Premier of Québec has said, that without your involvement in this process -- you may not get full credit for it today or tomorrow, you might not get it next week or next month or next year, but I am confident that history will record, and I might write some of it one day, so I will make sure of it -- without your tenacity, and your patience over the last while, as Mr. Devine has said, not just last night, but over the last year -- this didn't happen in a rush, as some people have tried to make out and pretend -- this would never have happened.

You are to be congratulated, as one particular Canadian, in not only bringing about what we have today and showing a new direction for a new kind of Canada, which really reflects the basic reality that a lot of people have ignored for a long period of time, but in the economic summits and in the trade

negotiations. We have developed through our consultation, a new kind of federalism, both in those "loose" institutions, which are not reflected in the Constitution per se, but also, by taking that one step further and actually putting it in the Constitution, a balanced federalism, with Annual Meetings of First Ministers on the Economy, for example, and on trade.

I also want to pay a particular tribute to Mr. Bourassa, who has really shown that he wanted to be and wanted the people of Quebec to be full participants, as part of North America and Canada. I think it is a real tribute to him that he stayed with this process, visiting all the provinces, as his ministers have done over the last year or so, and going through all the basic issues which were important for Quebec.

I also want to pay a particular tribute to Mr. Peterson, who, as Premier of the most populous province of Canada, with all that that entails, and as a central Canadian, and all that that entails, from where I come from -- it was out of his province that came that description of me as the bad boy -- for early on, embracing this whole process and giving it a lot of impetus. There have been a lot of issues that we have debated and discussed and argued over.

May I be so modest as to say that I have come to understand that it is not always easy for

somebody in the position that Mr. Peterson now holds to pursue and continue to pursue until we could sign something. I think he has been most helpful to a lot of us, and did show a lot of leadership throughout this whole process.

The only other thing, Mr. Prime Minister, I want to emphasize, as a Canadian, is that what we have been doing over the last two or three years and what now we will continue to do as a result of this accord and, hopefully, its entrenchment in the Constitution of Canada, for the first time since I have been old enough to think and know what was going on, is that we are beginning to recognize the basic fundamental reality of Canada. It is, from Bonavista to Victoria, the Beaufort Sea to southern Ontario and the Niagara, that we have to pursue a balanced federalism, a strong federal government, and strong provinces. That is the reality. And nobody can, somehow intellectually, as hard as they try, ignore that. It is there.

It is reflected in the balanced way we dealt with the spending power last night and throughout the last while, I think, in the most classic way and, at the same time accommodating a basic fundamental reality of Quebec and its distinctiveness, its desire to pursue its linguistic and cultural aspirations within a larger entity. Switzerland exists and has been very successful. Switzerland exists. Australia exists. We develop and evolve.

It is an ongoing process. We develop and evolve out of our own history and geography. We don't have the reference, but somebody else does. We can learn from it and then amend it to our own fundamental reality.

I always view with distaste and anger when somebody says, "We can't do this in Canada because they don't do it in England or they didn't do it in the United States, or it hasn't been done in Australia." Australia is not Canada; Switzerland is not Canada. Canada is not the United States of America.

It is wonderful that we have been able to do what we have done in the last number of years in reflecting something meaningful and permanent in the Constitution of this nation.

We have, as everybody will see, reaffirmed the existence and ongoing aspirations of the aboriginal peoples, the multicultural diversity and mosaic of the nation, inasmuch as that is as important in its way and in its context as is the distinctiveness of the French-Canadian fact in Quebec, or the fishery of Atlantic Canada, or the Senate reform and all of the other things.

It is difficult. It is a very, very difficult proposition. We must always rise to that kind of challenge.

Somebody said -- and I won't give its origin -- at 3 or 4 o'clock this morning when they went outside, with respect to the press of Canada, they got the feeling that they were lusting for failure.

A great story for today! Well, I would hope that they lust just as much over this success, as some people perceive they were lusting for failure at 3 o'clock this morning, and that they will send out the clarion call that Canada is alive and well, and that I am not, nor is any Premier, some feudal lord who is trying to checkerboard this country. We are not. We are Canadians who understand that things differ from place to place, and that we can still create a balance, create a balance. It is a creative dynamic process that does not stop today, goes on tomorrow, and will continue for all time, if we are to be a vibrant, lively entity on this planet.

I am a proud Canadian today. I salute you, Prime Minister. We are going to be much stronger because of what we have done.

Thank you.

THE CHAIRPERSON: Thank you, Premier Peckford.
Premier Getty, please.

HONOURABLE DONALD GETTY, PREMIER OF THE
PROVINCE OF ALBERTA: Thank you, Prime Minister, to you and
my fellow Premiers.

I share your views of satisfaction and
accomplishment in our achievements over the last two days,
which really have been the culmination of more than a year
of hard work. Together we have concluded a historic phase
in the constitutional development of Canada.

It is fortunate that we live in a country
whose Constitution is not etched in stone or rigidly fixed,
but has the flexibility from time to time, through agreement
by the partners in Confederation, to be adjusted to better
reflect the needs and changes in our nation.

I wish to congratulate all of my fellow
First Ministers for their determination and desire, which
I felt was so evident in the meetings over the past year,
to have all of us as full partners in this country.

Albertans have felt, I think as most
Canadians, that Canada has been incomplete without Quebec's
full participation, and that since April 1982 our
Constitution has been flawed. We have now corrected that.

It is a matter of pride to Alberta as well
that we started our journey at the Annual Premier's
Conference last August in Edmonton, which saw the emergence
of the Edmonton Declaration. And, throughout this journey,

Alberta's objective, and I have been so pleased that all of you, my fellow First Ministers' objective has been a strong Canada, not people winning and losing, but a strong Canada; a Canada made up of a partnership of strong equal provinces with a strong federal government.

As a government, I think all of you know, we are deeply committed to the principle of equality of provinces. We are pleased to see that, in the Accord and the resolution, today.

Also, we view the entrenchment of Annual First Ministers' Conference as part of our achievement. These conferences are a truly Canadian institution, unique I believe in the world, with all governments represented equally around the table.

I believe, as you noted, Mr. Prime Minister, that all of us -- certainly I know that those of us in Alberta and the west are very satisfied to have an entrenched commitment by all governments to meet annually, on the Constitution, to discuss Senate reform, until the matter is satisfactorily resolved. This is the first time in the history of Canada that the question of reforming the Senate has commanded the attention of every government in Canada.

Alberta does not view the matters contained in today's Accord as anybody, in any way, having anything taken away from them, but rather as all of us gaining a stronger country.

In closing, I want to also say how much, as

chairman of the Premiers this year, I have enjoyed working with all of you. Chairmen are so at the mercy of the participants -- as you, Mr. Prime Minister, have experienced over the past year as well -- are so at the mercy of the participants, in their conferences and in their group. I must say that you, all of my colleagues here, I have appreciated very much the way you have participated.

So, I congratulate all of you and tell you how proud I have been to work with you to reach this historic achievement so we may now go on to build Canada to its full potential.

Thank you.

THE CHAIRPERSON: Thank you, Mr. Premier.

Premier Ghiz, please.

HONOURABLE JOSEPH GHIZ, PREMIER OF THE PROVINCE OF PRINCE EDWARD ISLAND: Thank you, Prime Minister, my fellow Premiers, ladies and gentlemen.

I, first of all, want to acknowledge, Mr. Prime Minister, your leadership in bringing about this agreement, and the leadership of all the participants around this table. It has taken a good deal of hard work, over the past year, a great deal of courage, a great deal of tenacity. I congratulate you and all the others for bringing Québec aboard the constitutional family, and bringing Québec aboard with dignity for Québec and with dignity for all of Canada.

I think that this agreement demonstrates, clearly and unequivocally, to Canadians all across our country, that, through cooperation, conciliation, compromise

and goodwill, this country works. And I think that the evidence of that is further manifested in the fact that we have, sitting around this table, First Ministers representing four different political parties, ranging from all across the country, parties of different political stripes, who are able to put aside their partisan difference and do what is right and good for Canada and the people of Canada.

I want to draw particular reference, Mr. Prime Minister, to Premier Bourassa's speech, this morning, and his state of pride in Canada and Quebec. That state is a major statement of confidence in this country we all love, Canada. It is a confidence that he expresses in the future of our country; and I think that, for all Canadians today, to hear the Premier of Québec, after all we have gone through over the past number of decades, speaking proudly of Canada, speaks volumes for the future of this country and the destiny which we can achieve.

Thank you very much.

THE CHAIRPERSON: Thank you, Premier Ghiz.
Premier Pawley.

HONOURABLE HOWARD PAWLEY, PREMIER OF THE PROVINCE OF MANITOBA: Ministers, some 34 days ago, and a few miles from here, at Meech Lake, the First Ministers of Canada were able to work out a historic agreement in principle. Now, over the last 26 hours, we have taken another step forward, and it too is a historic one in its own right.

Our agreement states to Canadians that reconciliation and a stronger, a more united Canada, are goals that our generation can realistically do something about. Are there risks in what we have undertaken? Yes, of course. Are those risks worth our taking? Yes, by all means, they are.

The people who built our country, first the aboriginals, then the explorers and the settlers, from Europe and from the rest of the world, were risk-takers who learned from their experiences in order to survive. But they seldom looked back. They had the courage and they had the vision to turn their hopes into real goals, for themselves and for their children, goals of social justice, of community, of fairness, of human betterment, which has made Canada a better country.

I believe that we have been faithful to those goals, in our work that has taken place today. But that is not just up to us around this table to decide. The real goal of our work is yet to come, when it is referred to our legislatures, to the people to whom we are responsible. In Manitoba's case, we are committed to public hearings, to permit Manitobans to offer their views on any proposed constitutional amendments. At the same time we will be monitoring carefully the views that are expressed elsewhere in other legislatures.

We see the next few months as critical to the establishment of the national consensus that these amendments must earn if they are to achieve what we hope

for them. What they do deserve is a good hearing, and a reasoned analysis, analysis that looks, not just at each detail, but the resolution in its entirety, because it is a package.

Today we are able to take some important further steps to confirm, to clarify the intent of the Meech Lake Accord and to prevent ambiguities. Of particular importance to Manitoba, of course, were the spending power provisions. What we agreed today will make clear the fact that the Government of Canada will establish national objectives and their programs.

We discussed this last night, and this has added to our satisfaction in accepting the point that Premier Peckford made earlier, this is not a checkerboard Canada, but let us ensure, at the same time, that we allow breathing space to the provinces and our regions to develop our own innovation and creativity, and I believe we have achieved that kind of balance in the wording that we have agreed to.

Equally important were the gains that we made today in protecting existing constitutional provisions respecting both Canada's multicultural heritage and the rights and the status of our aboriginal peoples.

I believe that the first ministers around this table all participated, all listened and contributed, in a constructive way, to the discussions that have taken place.

I am hopeful, Mr. Prime Minister, that a

process of public hearings can take place, in order to ensure that Canadians will also have their opportunity to provide input.

For our part, Mr. Prime Minister, we are glad that we can move on to other critical priorities, for Canadians, for Manitobans, whether it be jobs and economic development, greater equality insofar as our various regions and areas of Canada, the preservation and improvement of vital social programs; and, as Premier Devine mentioned, the most important objective that we all attempt to achieve -- as Premier Devine emphasized -- for our children and our children's children, peace in the world community.

But, before I close, Mr. Prime Minister, I do want to acknowledge publicly your own leadership in this important process. In Canada, compromise and accommodation are positive concepts; they are what binds us together. Leadership that is based on fairness, balance, is what Canada needs. In fact, it used to be called cooperative federalism.

And I want to say, too, to the Premier of Québec, to his colleagues around this table, to all the people that we represent, that I believe that the efforts of the last number of days have built vital bridges between the Province of Québec and the rest of Canada.

Finally, to all of our colleagues around this table, I think that we can all agree this has been

two days of good work done on behalf of Canadians.

Thank you, Mr. Prime Minister.

THE CHAIRPERSON: Thank you, Mr. Premier.
Thank you very much.

Premier Buchanan, please.

HONOURABLE JOHN BUCHANAN, PREMIER OF THE
PROVINCE OF NOVA SCOTIA: Thank you, Prime Minister and
my colleagues.

Mr. Prime Minister, this is the second
time that I have had the opportunity to participate in
a constitutional accord. The first certainly was very
important for our country, but it was incomplete; some
7 million Canadians were not included in that accord;
our country therefore was not whole when that Accord was
completed.

This Accord, therefore, in my opinion is
more important because it has healed a wound, it has
brought Canada to whole nationhood, to whole maturity.
This was accomplished because the will was present. All
First Ministers, all of my colleagues, had a sincere
desire that this conference be successful.

The manifestation of that will was certainly evident this morning in the signing of the document. So, I congratulate all of my colleagues, but particularly you, Mr. Prime Minister. You never faltered. Your negotiating skills, your dedication, your determination, your tenacity were certainly an example to all. Your leadership and your vision of Canada, I believe, ensured that this Accord was signed today.

At times, when it appeared that this day might allude us, you brought us back to the table.

Historically and to the present the patience of Job is referred to. From now on I predict it will be the patience of Brian that will be referred to.

There is a line which I believe appropriate to this occasion: the ignorancy, our differences, the enlightency, our similarities and our strengths.

Mr. Prime Minister, under your leadership, enlightenment has been brought to bear on these issues which are so vital to us as a nation.

This Accord would not have been signed today, would not have been possible for us to have achieved if it had not been for the vision of Canada enunciated over the last number of days and weeks and particularly this morning by Premier Bourassa.

I salute you, sir, as a proud Quebecker and a Canadian. It has been a personal pleasure for me

to work with you and be a partner with you and my other colleagues in moving Canada forward.

Achieving this Accord has not been easy. We all know that. There has been great concern on the part of many First Ministers. There has been debate and much soul searching. I want to toss a bouquet right now to my colleague, Premier Peterson, and to Premier Pawley. But when the Premiers and Prime Minister met at Meech Lake on April 30th, there was a shared vision of Canada; a vision that recognized the distinct reality of our country; and a vision that recognized that if Canada is to achieve its potential, every province must participate fully in Confederation.

In that vision, the principle of equality of all provinces is respected, as Premier Getty said this morning, as is their diversity within a strong and continuing Canada.

Mr. Prime Minister, we have reached a unanimous agreement to implement that shared vision of Canada. Québec becomes a full partner in Canada. The constitutional arrangements regarding all provinces are substantially improved.

Canada began in 1867 as a result of dedication and a common vision of the Fathers of Confederation. Canada will last as long as that faith continues.

Today's Accord means a stronger Canada and

I am very proud today to be a Canadian and I am very proud to be a member of this team.

THE CHAIRPERSON: Thank you, Mr. Premier.

Premier Peterson, please.

HON. DAVID PETERSON, PREMIER OF THE PROVINCE OF ONTARIO: Monsieur le Premier ministre, collègues, il s'agit d'un très grand jour pour le Canada. Une promesse faite en 1980 est devenue une promesse tenue en 1987.

Constitution-making is not an easy process. There is no manual that I know of on how to do this. It would have been easier for all of us had we had one, mind you, Nor should it be an easy process. We are dealing with complex questions. The answers will shape the future and the future of our children. Perhaps Premiers Hatfield, Peckford and Buchanan, who participated in the last round will write the manual at some point in the future and make it easier for future leaders. But, I think we gained a great deal last night and I want to say what a great joy it was to deal with ten gentlemen whom I respect very, very much.

There is a sense amongst some that this was rushed or this just happened over a meeting at Meech Lake or, indeed, last night. I know my colleagues and I would reject that view completely because in reality this was made public two or three years ago by Premier Bourassa who has been consistent and clear throughout his -- shall I

say, recent political career, Robert -- about his views on this matter. In his document "Maître de l'avenir", he put forward his views clearly and articulately. He took those views to the people of Québec and received overwhelming support.

We have been discussing this, wrestling with this, for the last year, both among officials and among ourselves. We agreed almost a year ago in the Edmonton Declaration to pursue this agenda, so there was certainly no surprise to any of us. What we saw was a coming together of the country. We saw a coming together of the ideas and we saw a success develop.

We have reached a very important stage in that process and we will now move to the more formal side of the process. We still have up to three years to bring this to completion.

I am very glad, Prime Minister, that you have championed the idea of public hearings because I think we have a responsibility to bring all Canadians into our concept of nation building, to share our ideas, to get input, recognizing that anything we do can be perfected. We solicit the views of all Canadians in so doing.

We, Mr. Prime Minister, in Ontario, plan to follow your lead by having public hearings in Ontario to make sure that we have a distillation of the best wisdom available to share with you and our colleagues across the country.

Mr. Prime Minister, I believe we have accomplished more than just bringing Québec into the Constitution. That in itself is an historic achievement.

We have done other things, as well. I am sensitive to the remarks of my colleagues, particularly from some of the regions of the country that are not as privileged as Ontario, at the moment, economically. There is a sense of new faith there, as well, that they will participate more fully in our federal institutions.

Part of our responsibility is to make sure that every Canadian feels they have a say in the way this country is governed. That is not to say for a minute that we will always agree. We had some pretty strong disagreements last night and over the last couple of years.

But I say with some pride, never did I hear a nasty word last night, never did I hear a self-serving word last night. I saw 10 people reaching to each other, saying: "How can I solve your problem?" They did not say: "You have got to solve my problem." That spirit that you, Mr. Prime Minister, have been instrumental in engendering, I compliment you on. We had many other issues of great significance that we are going to have to tackle together.

So, we have made great progress. I think that we have satisfied some of the concerns, as well, as raised in the multicultural community, as has been suggested by my colleagues, which reaffirms

as Premier Peckford said, our commitment to preserving and enhancing our multicultural community, just as we have reaffirmed our commitment for aboriginal rights. We are going to continue to work. I say to my friends that that is an issue that will be discussed again because we have institutionalized the process of constitutional reform. Ontario, for one, and, I am sure many other provinces, as well, will raise that issue in the not-too-distant future to continue that process because we have agreed, institutionally, as well as philosophically, to co-operate and to work together.

Robert, may I say to you that I believe you have shown historic leadership. I congratulate you, personally, on that.

I asked my colleagues what would have happened if we had failed last night. In assessing this Ottawa agreement today, it has to be compared against that alternative. What would have been the reaction in Québec, which was offered a number of promises in 1980 and 1981, if we had failed?

I think it is worth contemplating those consequences. We will never know for sure, but my guess is that all Canadians will have pride in what we have done and have great pride in joining hands with their confrères from Québec to build a stronger Canada.

So, in conclusion, let me say, Prime Minister, I congratulate you on your leadership, your substance, and on the process. It is not over. There is lots of work to do. We also know, and we have agreed

among ourselves, that if there are problems we can correct them, because we have created a spirit in order to do that, demonstrating a responsiveness to other's needs and other problems as well.

Il y a longtemps que je veux exprimer,
à mon cher collègue Robert, bienvenue au Canada.

THE CHAIRPERSON: Thank you, Mr.
Premier, for your eloquent and thoughtful remarks.
I compliment all First Ministers on their remarks.

May I have le mot de la fin.

Over the last number of years, because
of a series of events, I thought that we were
witnessing the slow, but inexorable emergence of
two Canadas:

One Canada representing those Canadians
whose governments had willingly adhered to the
Constitution; and another representing those Canadians
who had not.

This pattern of constitutional development,
slowly, but surely, was both dangerous and very damaging.

This action today binds us together. This action today is a statement on behalf of one Canada, finally united with a strong federal government and vigorous and effective provincial governments.

As Premier Peterson, Premier Getty and others have noted, it has been a vibrant process of consultation and co-operation.

We are here, as First Ministers, quite simply because we love Canada and we want to make it a better place and a stronger nation. I think that is what we have done.

There has been a strong commitment to unity and a sense of nationhood, an understanding of the splendour of nation-building, of bringing people together, as opposed to seeking options to drive people apart; a sense of tolerance and strength which comes from the knowledge that it is indeed a splendid country which can be made better.

It was in that spirit that all First Ministers undertook not yesterday and not last month, but many, many months ago, today is the culmination of, I think, a very great national effort -- not perfect, but a very substantial contribution to nation-building and to making Canada a better place for all of us.

Monsieur le Premier ministre, c'est avec joie et fierté que je souhaite la plus cordiale des bienvenues au Québec et à vous comme Premier ministre du Québec. C'est une grande journée pour nous tous.

Thank you and God bless you all.

ADJOURNMENT/AJOURNEMENT

FIRST MINISTERS' CONFERENCE

ON THE

CONSTITUTION

Ottawa, Ontario

June 3, 1987

AGENDA

1. Official Signature of the 1987 Constitutional Accord
2. Statements

CONFÉRENCE DES PREMIERS MINISTRES

SUR LA

CONSTITUTION

Ottawa (Ontario)

le 3 juin 1987

ORDRE DU JOUR

1. Signature officielle de l'Accord Constitutionnel 1987
2. Déclarations

FIRST MINISTERS' CONFERENCE ON THE CONSTITUTION
CONFÉRENCE DES PREMIERS MINISTRES SUR LA CONSTITUTION

OTTAWA

June 3, 1987

Le 3 juin 1987

List of First Ministers and Ministers
Liste des Premiers ministres et ministres

CANADA

The Right Honourable/Le très honorable CHAIRPERSON/PRÉSIDENT
Martin Brian Mulroney
Prime Minister/Premier ministre

The Honourable/L'honorable
Ramon John Hnatyshyn
Minister of Justice and Attorney General of Canada/
Ministre de la Justice et Procureur général du Canada

The Honourable/L'honorable
Lowell Murray
Leader of the Government in the Senate and
Minister of State for Federal-Provincial Relations/
Leader du gouvernement au Sénat et
Ministre d'Etat (Relations fédérales-provinciales)

The Honourable/L'honorable
Gerald S. Merrithew
Minister of State (Forestry and Mines)/
Ministre d'Etat (Forêts et Mines)

The Honourable/L'honorable
Elmer M. MacKay
Minister of National Revenue/Ministre du Revenu National

The Honourable/L'honorable
John C. Crosbie
Minister of Transport/Ministre des Transports

The Honourable/L'honorable
Thomas McMillan
Minister of the Environment/Ministre de l'Environnement

The Honourable/L'honorable
Bernard Valcourt
Minister of State (Small Businesses and Tourism)/
Ministre d'Etat (Petites entreprises et Tourisme)

Senator/Sénateur
Arthur Tremblay

ONTARIO

The Honourable/L'honorable
David Peterson
Premier of Ontario/Premier ministre de l'Ontario

The Honourable/L'honorable
Ian Scott
Attorney General/Procureur général

QUÉBEC

Monsieur/Mr.
Robert Bourassa
Premier ministre/Premier

Monsieur/Mr.
Gil Rémillard
Ministre délégué aux Affaires intergouvernementales canadiennes/
Minister assigned to Canadian Intergovernmental Affairs

NOVA SCOTIA / NOUVELLE-ÉCOSSE

The Honourable/L'honorable
John M. Buchanan
Premier of Nova Scotia/Premier ministre de la Nouvelle-Écosse

The Honourable/L'honorable
T.R.B. Donahoe
Attorney General/Procureur général

The Honourable/L'honorable
David Nantes
Minister of Municipal Affairs/Ministre des affaires municipales

NEW BRUNSWICK / NOUVEAU-BRUNSWICK

The Honourable/L'honorable
Richard Hatfield
Premier of New Brunswick/Premier ministre du Nouveau-Brunswick

The Honourable/L'honorable
David Clarke
Minister of Justice/Ministre de la Justice

MANITOBA

The Honourable/L'honorable
Howard Pawley
Premier of Manitoba/Premier ministre du Manitoba

The Honourable/L'honorable
Roland Penner
Attorney General/Procureur général

BRITISH COLUMBIA / COLOMBIE-BRITANNIQUE

The Honourable/L'honorable
William N. Vander Zalm
Premier of British Columbia/
Premier ministre de la Colombie-Britannique

The Honourable/L'honorable
Brian Smith
Attorney General/Procureur général

PRINCE EDWARD ISLAND / ÎLE-DU-PRINCE-ÉDOUARD

The Honourable/L'honorable
Joseph Ghiz
Premier of Prince Edward Island/
Premier ministre de l'Île-du-Prince-Édouard

The Honourable/L'honorable
Wayne Cheverie
Minister of Justice/Ministre de la Justice

The Honourable/L'honorable
Gilbert R. Clements
Minister of Finance and
Minister of Community and Cultural Affairs/
Ministre des Finances et
Ministre des Affaires communautaires et culturelles

SASKATCHEWAN

The Honourable/L'honorable
Grant Devine
Premier of Saskatchewan//Premier ministre de la Saskatchewan

The Honourable/L'honorable
Bob Andrew
Minister of Justice and Attorney General/
Ministre de la Justice et Procureur général

ALBERTA

The Honourable/L'Honorable
Don R. Getty
Premier of Alberta/Premier ministre de l'Alberta

The Honourable/L'honorable
James D. Horsman
Minister of Federal and Intergovernmental Affairs/
Ministre des Affaires fédérales et intergouvernementales

NEWFOUNDLAND / TERRE-NEUVE

The Honourable/L'honorable
A. Brian Peckford
Premier of Newfoundland/Premier ministre de Terre-Neuve

CANADIAN INTERGOVERNMENTAL CONFERENCE SECRETARIAT/

SECRÉTARIAT DES CONFÉRENCES INTERGOUVERNEMENTALES CANADIENNES

Stuart MacKinnon
Secretary/Secrétaire

MEETING OF FIRST MINISTERS
ON THE CONSTITUTION

1987 CONSTITUTIONAL ACCORD

June 3, 1987

1987 CONSTITUTIONAL ACCORD

WHEREAS first ministers, assembled in Ottawa, have arrived at a unanimous accord on constitutional amendments that would bring about the full and active participation of Quebec in Canada's constitutional evolution, would recognize the principle of equality of all the provinces, would provide new arrangements to foster greater harmony and cooperation between the Government of Canada and the governments of the provinces and would require that annual first ministers' conferences on the state of the Canadian economy and such other matters as may be appropriate be convened and that annual constitutional conferences composed of first ministers be convened commencing not later than December 31, 1988;

AND WHEREAS first ministers have also reached unanimous agreement on certain additional commitments in relation to some of those amendments;

NOW THEREFORE the Prime Minister of Canada and the first ministers of the provinces commit themselves and the governments they represent to the following:

1. The Prime Minister of Canada will lay or cause to be laid before the Senate and House of Commons, and the first ministers of the provinces will lay or cause to be laid before their legislative assemblies, as soon as possible, a resolution, in the form appended hereto, to authorize a proclamation to be issued by the Governor General under the Great Seal of Canada to amend the Constitution of Canada.

2. The Government of Canada will, as soon as possible, conclude an agreement with the Government of Quebec that would

- (a) incorporate the principles of the Cullen-Couture agreement on the selection abroad and in Canada of independent immigrants, visitors for medical treatment, students and temporary workers, and on the selection of refugees abroad and economic criteria for family reunification and assisted relatives,

- (b) guarantee that Quebec will receive a number of immigrants, including refugees, within the annual total established by the federal government for all of Canada proportionate to its share of the population of Canada, with the right to exceed that figure by five per cent for demographic reasons, and

- (c) provide an undertaking by Canada to withdraw services (except citizenship services) for the reception and integration (including linguistic and cultural) of all foreign nationals wishing to settle in Quebec where services are to be provided by Quebec, with such withdrawal to be accompanied by reasonable compensation,

and the Government of Canada and the Government of Quebec will take the necessary steps to give the agreement the force of law under the proposed amendment relating to such agreements.

3. Nothing in this Accord should be construed as preventing the negotiation of similar agreements with other provinces relating to immigration and the temporary admission of aliens.

4. Until the proposed amendment relating to appointments to the Senate comes into force, any person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted by the government of the province to which the vacancy relates and must be acceptable to the Queen's Privy Council for Canada.

Motion for a Resolution to authorize
an amendment to the Constitution of Canada

WHEREAS the Constitution Act, 1982 came into force on April 17, 1982, following an agreement between Canada and all the provinces except Quebec;

AND WHEREAS the Government of Quebec has established a set of five proposals for constitutional change and has stated that amendments to give effect to those proposals would enable Quebec to resume a full role in the constitutional councils of Canada;

AND WHEREAS the amendment proposed in the schedule hereto sets out the basis on which Quebec's five constitutional proposals may be met;

AND WHEREAS the amendment proposed in the schedule hereto also recognizes the principle of the equality of all the provinces, provides new arrangements to foster greater harmony and cooperation between the Government of Canada and the governments of the provinces and requires that conferences be convened to consider important constitutional, economic and other issues;

AND WHEREAS certain portions of the amendment proposed in the schedule hereto relate to matters referred to in section 41 of the Constitution Act, 1982;

AND WHEREAS section 41 of the Constitution Act, 1982 provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and the House of Commons and of the legislative assembly of each province;

NOW THEREFORE the (Senate) (House of Commons) (legislative assembly) resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

SCHEDULE

CONSTITUTION AMENDMENT, 1987

Constitution Act, 1867

1. The Constitution Act, 1867 is amended by adding thereto, immediately after section 1 thereof, the following section:

Interpreta-
tion

"2.(1) The Constitution of Canada shall be interpreted in a manner consistent with

(a) the recognition that the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada; and

(b) the recognition that Quebec constitutes within Canada a distinct society.

Role of
Parliament
and
legisla-
tures

(2) The role of the Parliament of Canada and the provincial legislatures to preserve the fundamental characteristic of Canada referred to in paragraph (1)(a) is affirmed.

Role of
legisla-
ture and
Government
of Quebec

(3) The role of the legislature and Government of Quebec to preserve and promote the distinct identity of Quebec referred to in paragraph (1)(b) is affirmed.

Rights of
legisla-
tures and
governments
preserved

(4) Nothing in this section derogates from the powers, rights or privileges of Parliament or the Government of Canada, or of the legislatures or governments of the provinces, including any powers, rights or privileges relating to language."

2. The said Act is further amended by adding thereto, immediately after section 24 thereof, the following section:

Names
to be
submitted

"25.(1) Where a vacancy occurs in the Senate, the government of the province to which the vacancy relates may, in relation to that vacancy, submit to the Queen's Privy Council for Canada the names of persons who may be summoned to the Senate.

Choice of
Senators
from names
submitted

(2) Until an amendment to the Constitution of Canada is made in relation to the Senate pursuant to section 41 of the Constitution Act, 1982, the person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted under subsection (1) by the government of the province to which the vacancy relates and must be acceptable to the Queen's Privy Council for Canada."

3. The said Act is further amended by adding thereto, immediately after section 95 thereof, the following heading and sections:

"Agreements on Immigration and Aliens

Commitment
to
negotiate

95A. The Government of Canada shall, at the request of the government of any province, negotiate with the government of that province for the purpose of concluding an agreement relating to immigration or the temporary admission of aliens into that province that is appropriate to the needs and circumstances of that province.

Agreements

95B.(1) Any agreement concluded between Canada and a province in relation to immigration or the temporary admission of aliens into that province has the force of law from the time it is declared to do so in accordance with subsection 95C(1) and shall from that time have effect notwithstanding class 25 of section 91 or section 95.

Limitation

(2) An agreement that has the force of law under subsection (1) shall have effect only so long and so far as it is not repugnant to any provision of an Act of the Parliament of Canada that sets national standards and objectives relating to immigration or aliens, including any provision that establishes general classes of immigrants or relates to levels of immigration for Canada or that prescribes classes of individuals who are inadmissible into Canada.

Application
of
Charter

(3) The Canadian Charter of Rights and Freedoms applies in respect of any agreement that has the force of law under subsection (1) and in respect of anything done by the Parliament or Government of Canada, or the legislature or government of a province, pursuant to any such agreement.

Proclama-
tion
relating to
agreements

95C.(1) A declaration that an agreement referred to in subsection 95B(1) has the force of law may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of the province that is a party to the agreement.

Amendment
of
agreements

(2) An amendment to an agreement referred to in subsection 95B(1) may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized

(a) by resolutions of the Senate and House of Commons and of the legislative assembly of the province that is a party to the agreement; or

(b) in such other manner as is set out in the agreement.

Application of sections 46 to 48 of Constitution Act, 1982

95D. Sections 46 to 48 of the Constitution Act, 1982 apply, with such modifications as the circumstances require, in respect of any declaration made pursuant to subsection 95C(1), any amendment to an agreement made pursuant to subsection 95C(2) or any amendment made pursuant to section 95E.

Amendments to sections 95A to 95D or this section

95E. An amendment to sections 95A to 95D or this section may be made in accordance with the procedure set out in subsection 38(1) of the Constitution Act, 1982, but only if the amendment is authorized by resolutions of the legislative assemblies of all the provinces that are, at the time of the amendment, parties to an agreement that has the force of law under subsection 95B(1)."

4. The said Act is further amended by adding thereto, immediately preceding section 96 thereof, the following heading:

"General"

5. The said Act is further amended by adding thereto, immediately preceding section 101 thereof, the following heading:

"Courts Established by the Parliament of Canada"

6. The said Act is further amended by adding thereto, immediately after section 101 thereof, the following heading and sections:

"Supreme Court of Canada"

Supreme Court continued

101A.(1) The court existing under the name of the Supreme Court of Canada is hereby continued as the general court of appeal for Canada, and as an additional court for the better administration of the laws of Canada, and shall continue to be a superior court of record.

Constitution of court

(2) The Supreme Court of Canada shall consist of a chief justice to be called the Chief Justice of Canada and eight other judges, who shall be appointed by the Governor General in Council by letters patent under the Great Seal.

Who may be appointed judges

101B.(1) Any person may be appointed a judge of the Supreme Court of Canada who, after having been admitted to the bar of any province or territory, has, for a total of at least ten years, been a judge of any court in Canada or a member of the bar of any province or territory.

Three judges from Quebec

(2) At least three judges of the Supreme Court of Canada shall be appointed from among persons who, after having been admitted to the bar of Quebec, have, for a total of at least ten years, been judges of any court of Quebec or of any court established by the Parliament of Canada, or members of the bar of Quebec.

Names
may be
submitted

101C.(1) Where a vacancy occurs in the Supreme Court of Canada, the government of each province may, in relation to that vacancy, submit to the Minister of Justice of Canada the names of any of the persons who have been admitted to the bar of that province and are qualified under section 101B for appointment to that court.

Appointment
from
names
submitted

(2) Where an appointment is made to the Supreme Court of Canada, the Governor General in Council shall, except where the Chief Justice is appointed from among members of the Court, appoint a person whose name has been submitted under subsection (1) and who is acceptable to the Queen's Privy Council for Canada.

Appointment
from
Quebec

(3) Where an appointment is made in accordance with subsection (2) of any of the three judges necessary to meet the requirement set out in subsection 101B(2), the Governor General in Council shall appoint a person whose name has been submitted by the Government of Quebec.

Appoint-
ment from
other
provinces

(4) Where an appointment is made in accordance with subsection (2) otherwise than as required under subsection (3), the Governor General in Council shall appoint a person whose name has been submitted by the government of a province other than Quebec.

Tenure,
salaries,
etc. of
judges

101D. Sections 99 and 100 apply in respect of the judges of the Supreme Court of Canada.

Relation-
ship to
section 101

101E.(1) Sections 101A to 101D shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws under section 101 except to the extent that such laws are inconsistent with those sections.

References
to the
Supreme
Court
of Canada

(2) For greater certainty, section 101A shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws relating to the reference of questions of law or fact, or any other matters, to the Supreme Court of Canada."

7. The said Act is further amended by adding thereto, immediately after section 106 thereof, the following section:

Shared-cost
program

"106A.(1) The Government of Canada shall provide reasonable compensation to the government of a province that chooses not to participate in a national shared-cost program that is established by the Government of Canada after the coming into force of this section in an area of exclusive provincial jurisdiction, if the province carries on a program or initiative that is compatible with the national objectives.

Legislative
power not
extended

(2) Nothing in this section extends the legislative powers of the Parliament of Canada or of the legislatures of the provinces."

8. The said Act is further amended by adding thereto the following heading and sections:

"XII - Conferences on the Economy and Other Matters

Conferences
on the
economy and
other
matters

148. A conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year to discuss the state of the Canadian economy and such other matters as may be appropriate.

XIII - References

Reference
includes
amendments

149. A reference to this Act shall be deemed to include a reference to any amendments thereto."

Constitution Act, 1982

9. Sections 40 to 42 of the Constitution Act, 1982 are repealed and the following substituted therefor:

Compensa-
tion

"40. Where an amendment is made under subsection 38(1) that transfers legislative powers from provincial legislatures to Parliament, Canada shall provide reasonable compensation to any province to which the amendment does not apply.

Amendment
by
unanimous
consent

41. An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

(a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;

(b) the powers of the Senate and the method of selecting Senators;

(c) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;

(d) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province was entitled to be represented on April 17, 1982;

(e) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;

(f) subject to section 43, the use of the English or the French language;

(g) the Supreme Court of Canada;

(h) the extension of existing provinces into the territories;

(i) notwithstanding any other law or practice, the establishment of new provinces; and

(j) an amendment to this Part."

10. Section 44 of the said Act is repealed and the following substituted therefor:

Amendments
by
Parliament

"44. Subject to section 41, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons."

11. Subsection 46(1) of the said Act is repealed and the following substituted therefor:

Initiation
of
amendment
procedures

"46.(1) The procedures for amendment under sections 38, 41 and 43 may be initiated either by the Senate or the House of Commons or by the legislative assembly of a province."

12. Subsection 47(1) of the said Act is repealed and the following substituted therefor:

Amendments
without
Senate
resolution

"47.(1) An amendment to the Constitution of Canada made by proclamation under section 38, 41 or 43 may be made without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the adoption by the House of Commons of a resolution authorizing its issue, the Senate has not adopted such a resolution and if, at any time after the expiration of that period, the House of Commons again adopts the resolution."

13. Part VI of the said Act is repealed and the following substituted therefor:

"Part VI

Constitutional Conferences

Constitu-
tional
conference

50 (1). A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year, commencing in 1988.

Agenda

(2) The conferences convened under subsection (1) shall have included on their agenda the following matters:

(a) Senate reform, including the role and functions of the Senate, its powers, the method of selecting Senators and representation in the Senate;

(b) roles and responsibilities in relation to fisheries; and

(c) such other matters as are agreed upon."

14. Subsection 52(2) of the said Act is amended by striking out the word "and" at the end of paragraph (b) thereof, by adding the word "and" at the end of paragraph (c) thereof and by adding thereto the following paragraph:

"(d) any other amendment to the Constitution of Canada."

15. Section 61 of the said Act is repealed and the following substituted therefor:

References

"61. A reference to the Constitution Act 1982, or a reference to the Constitution Acts 1867 to 1982, shall be deemed to include a reference to any amendments thereto."

General

Multi-cultural heritage and aboriginal peoples

16. Nothing in section 2 of the Constitution Act, 1867 affects section 25 or 27 of the Canadian Charter of Rights and Freedoms, section 35 of the Constitution Act, 1982 or class 24 of section 91 of the Constitution Act, 1867.

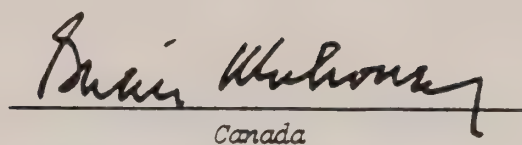
CITATION

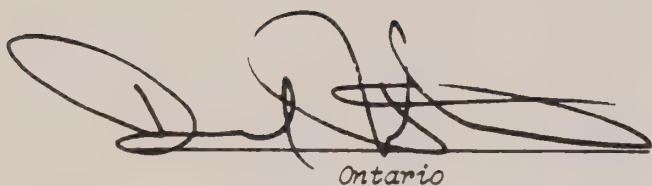
Citation

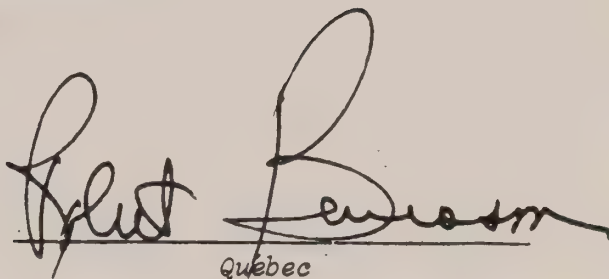
17. This amendment may be cited as the Constitution Amendment, 1987.

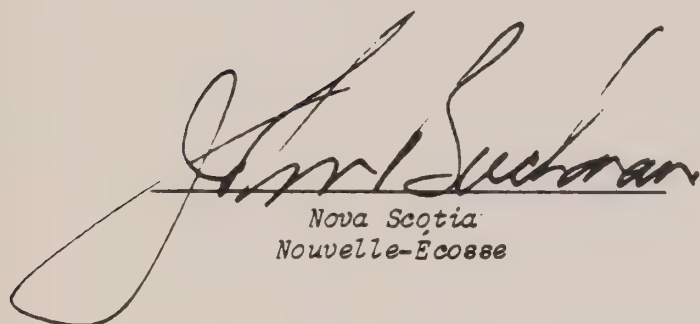
Signed at Ottawa,
June 3, 1987

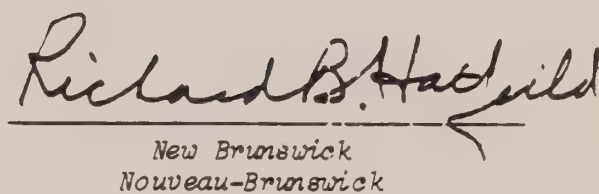
Fait à Ottawa
le 3 juin 1987

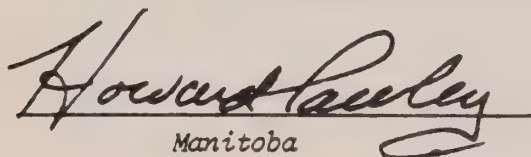

Canada

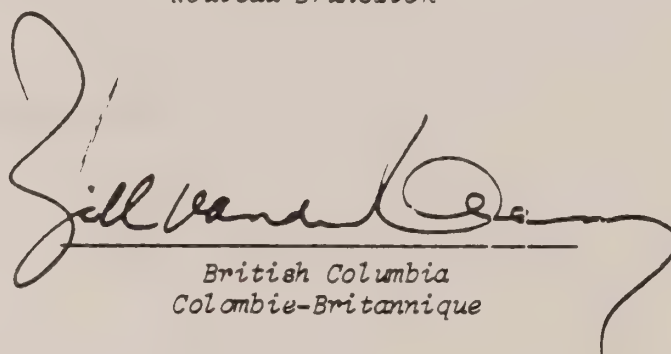

Ontario

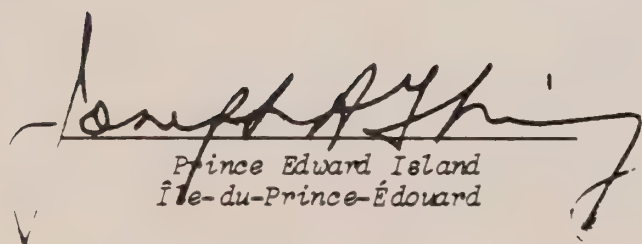

Quebec

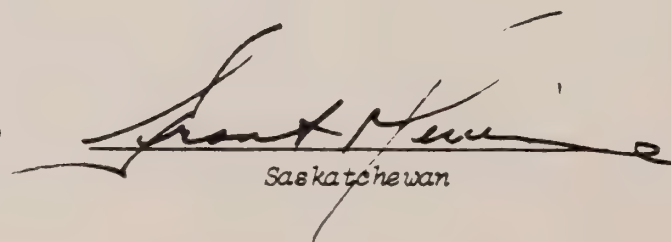

Nova Scotia
Nouvelle-Écosse

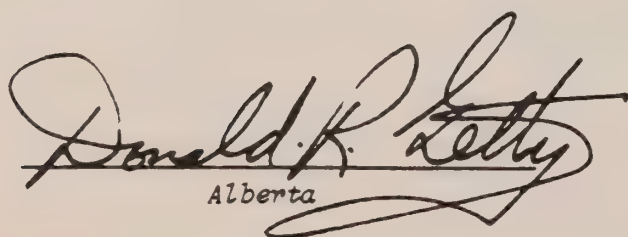

New Brunswick
Nouveau-Brunswick

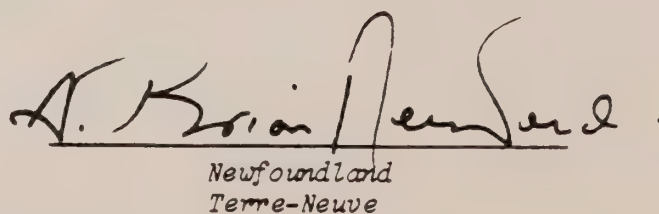

Manitoba


British Columbia
Colombie-Britannique


Prince Edward Island
Île-du-Prince-Édouard


Saskatchewan


Alberta


Newfoundland
Terre-Neuve

RÉUNION DES PREMIERS MINISTRES
SUR LA CONSTITUTION

ACCORD CONSTITUTIONNEL DE 1987

le 3 juin 1987

ACCORD CONSTITUTIONNEL DE 1987

Les premiers ministres du Canada et des provinces, considérant :

qu'à leur réunion d'Ottawa, ils ont conclu à l'unanimité un accord sur des modifications constitutionnelles propres à assurer la participation pleine et entière du Québec à l'évolution constitutionnelle du Canada dans le respect du principe de l'égalité de toutes les provinces et, par de nouveaux arrangements, à renforcer l'harmonie et la coopération entre le gouvernement du Canada et ceux des provinces, ainsi que sur la tenue de conférences annuelles des premiers ministres sur l'économie canadienne et sur toute autre question appropriée et de conférences constitutionnelles annuelles des premiers ministres, la première devant avoir lieu le 31 décembre 1988 au plus tard;

qu'ils ont pris, à l'unanimité également, des engagements complémentaires à propos de certaines de ces modifications,

prennent, en leur propre nom et en celui des gouvernements qu'ils représentent, les engagements suivants :

1. Les premiers ministres du Canada et des provinces déposeront ou feront déposer respectivement devant le Sénat et la Chambre des communes et devant les assemblées législatives, dans les meilleurs délais, la résolution dont le texte figure en annexe et autorisant la modification de la Constitution du Canada par proclamation du gouverneur général sous le grand sceau du Canada.

2. Dans les meilleurs délais, le gouvernement du Canada conclura avec celui du Québec une entente qui :

a) incorporera les principes de l'entente Cullen-Couture en ce qui concerne la sélection à l'étranger et au Canada des immigrants indépendants, des visiteurs admis pour soins médicaux, des étudiants et des travailleurs temporaires, et la sélection des réfugiés à l'étranger ainsi que les critères économiques régissant la réunification des familles et les parents aidés;

b) garantira au Québec, sur le total annuel établi par le gouvernement fédéral pour l'ensemble du Canada, un nombre d'immigrants, y compris les réfugiés, proportionnel à sa part de la population canadienne, avec droit de dépasser ce chiffre de cinq pour cent pour des raisons démographiques;

c) engagera le Canada à retirer les services -- à l'exception de ceux qui sont relatifs à la citoyenneté -- de réception et d'intégration, y compris l'intégration linguistique et culturelle, des ressortissants étrangers désireux de s'établir au Québec lorsque des services sont fournis par le Québec, pareil retrait devant s'accompagner d'une juste compensation.

Le gouvernement du Canada et celui du Québec prendront ensuite les mesures nécessaires pour donner, conformément au projet de modification, force de loi à l'entente.

3. Le présent accord ne saurait empêcher la négociation d'ententes semblables avec d'autres provinces en matière d'immigration et d'admission temporaire des ressortissants étrangers.

4. Jusqu'à l'entrée en vigueur de la modification relative aux nominations au Sénat, les personnes nommées aux sièges vacants au Sénat seront choisies parmi celles qui auront été proposées par le gouvernement de la province à représenter et agréées par le Conseil privé de la Reine pour le Canada.

Motion de résolution autorisant
la modification de la Constitution du Canada

Attendu :

que la Loi constitutionnelle de 1982 est entrée en vigueur le 17 avril 1982, à la suite d'un accord conclu entre le Canada et toutes les provinces, sauf le Québec;

que, selon le gouvernement du Québec, l'adoption de modifications visant à donner effet à ses cinq propositions de révision constitutionnelle permettrait au Québec de jouer pleinement de nouveau son rôle dans les instances constitutionnelles canadiennes;

que le projet de modification figurant en annexe présente les modalités d'un règlement relatif aux cinq propositions du Québec;

que le projet reconnaît le principe de l'égalité de toutes les provinces et prévoit, d'une part, de nouveaux arrangements propres à renforcer l'harmonie et la coopération entre le gouvernement du Canada et ceux des provinces, d'autre part la tenue de conférences consacrées à l'étude d'importantes questions constitutionnelles, économiques et autres;

que le projet porte en partie sur des questions visées à l'article 41 de la Loi constitutionnelle de 1982;

que cet article prévoit que la Constitution du Canada peut être modifiée par proclamation du gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de chaque province,

(le Sénat) (la Chambre des communes) (l'assemblée législative) a résolu d'autoriser la modification de la Constitution du Canada par proclamation de Son Excellence le gouverneur général sous le grand sceau du Canada, en conformité avec l'annexe ci-jointe.

MODIFICATION CONSTITUTIONNELLE DE 1987

Loi constitutionnelle de 1987

1. La Loi constitutionnelle de 1987 est modifiée par insertion, après l'article 1, de ce qui suit :

Règle
inter-
prétative

"2.(1) Toute interprétation de la Constitution du Canada doit concorder avec :

a) la reconnaissance de ce que l'existence de Canadiens d'expression française, concentrés au Québec mais présents aussi dans le reste du pays, et de Canadiens d'expression anglaise, concentrés dans le reste du pays mais aussi présents au Québec, constitue une caractéristique fondamentale du Canada;

b) la reconnaissance de ce que le Québec forme au sein du Canada une société distincte.

Rôle du
Parlement
et des
législatures

(2) Le Parlement du Canada et les législatures des provinces ont le rôle de protéger la caractéristique fondamentale du Canada visée à l'alinéa (1)a).

Rôle de la
législature
et du
gouvernement
du Québec

(3) La législature et le gouvernement du Québec ont le rôle de protéger et de promouvoir le caractère distinct du Québec visé à l'alinéa (1)b).

Maintien des
droits des
législatures
et gouver-
nements

(4) Le présent article n'a pas pour effet de déroger aux pouvoirs, droits ou privilèges du Parlement ou du gouvernement du Canada, ou des législatures ou des gouvernements des provinces, y compris à leurs pouvoirs, droits ou privilèges en matière de langue."

2. La même loi est modifiée par insertion, après l'article 24, de ce qui suit :

Propositions

"25. (1) En cas de vacance au Sénat, le gouvernement de la province à représenter peut proposer au Conseil privé de la Reine pour le Canada des personnes susceptibles d'être nommées au siège vacant.

Choix des
senateurs

(2) Jusqu'à la modification, faite conformément à l'article 41 de la Loi constitutionnelle de 1982, de toute disposition de la Constitution du Canada relative au Sénat, les personnes nommées aux sièges vacants au Sénat sont choisies parmi celles qui ont été proposées par le gouvernement de la province à représenter et agréées par le Conseil privé de la Reine pour le Canada."

3. La même loi est modifiée par insertion, après l'article 95, de ce qui suit :

"Accords relatifs à
l'immigration et aux aubains

Engagement

95A. Sur demande du gouvernement d'une province, le gouvernement du Canada négocie avec lui en vue de conclure, en matière d'immigration ou d'admission temporaire des aubains dans la province, un accord adapté aux besoins et à la situation particulière de celle-ci.

Accords	95B.(1) Tout accord conclu entre le Canada et une province en matière d'immigration ou d'admission temporaire des aubains dans la province a, une fois faite la déclaration visée au paragraphe 95C(1), force de loi et a dès lors effet indépendamment tant du point 25 de l'article 91 que de l'article 95.
Restrictions	(2) L'accord ayant ainsi force de loi n'a d'effet que dans la mesure de sa compatibilité avec les dispositions des lois du Parlement du Canada qui fixent des normes et objectifs nationaux relatifs à l'immigration et aux aubains, notamment en ce qui concerne l'établissement des catégories générales d'immigrants, les niveaux d'immigration au Canada et la détermination des catégories de personnes inadmissibles au Canada.
Application de la Charte	(3) La Charte canadienne des droits et libertés s'applique aux accords ayant ainsi force de loi et à toute mesure prise sous leur régime par le Parlement ou le gouvernement du Canada ou par la législature ou le gouvernement d'une province.
Proclamation relative aux accords	95C.(1) La déclaration portant qu'un accord visé au paragraphe 95B(1) a force de loi se fait par proclamation du gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de la province qui est partie à l'accord.
Modification des accords	(2) La modification d'un accord visé au paragraphe 95B(1) se fait par proclamation du gouverneur général sous le grand sceau du Canada, autorisée : a) soit par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de la province qui est partie à l'accord; b) soit selon les modalités prévues dans l'accord même.
Application des articles 46 à 48 de la Loi constitutionnelle de 1982	95D. Les articles 46 à 48 de la Loi constitutionnelle de 1982 s'appliquent, avec les adaptations nécessaires, à toute déclaration faite aux termes du paragraphe 95C(1), à toute modification d'un accord faite aux termes du paragraphe 95C(2) ou à toute modification faite aux termes de l'article 95E.
Modification des articles 95A à 95D ou du présent article	95E. Les articles 95A à 95D ou le présent article peuvent être modifiés conformément au paragraphe 38(1) de la Loi constitutionnelle de 1982, à condition que la modification soit autorisée par des résolutions des assemblées législatives de toutes les provinces qui sont, à l'époque de telle-ci, parties à un accord ayant force de loi aux termes du paragraphe 95B(1)."

4. La même loi est modifiée par insertion, avant l'article 96, de ce qui suit :

"Dispositions générales"

5. La même loi est modifiée par insertion, avant l'article 101, de ce qui suit :

"Tribunaux créés par le Parlement du Canada"

6. La même loi est modifiée par insertion, après l'article 101, de ce qui suit :

"Cour suprême du Canada"

Maintien de la Cour suprême du Canada

101A.(1) La cour qui existe sous le nom de Cour suprême du Canada est maintenue à titre de cour générale d'appel pour le Canada et de cour additionnelle propre à améliorer l'application des lois du Canada. Elle conserve ses attributions de cour supérieure d'archives.

Composition

(2) La Cour suprême du Canada se compose du juge en chef, appelé juge en chef du Canada, et de huit autres juges, que nomme le gouverneur général en conseil par lettres patentes sous le grand sceau.

Conditions de nomination

101B.(1) Les juges sont choisis parmi les personnes qui, après avoir été admises au barreau d'une province ou d'un territoire, ont, pendant au moins dix ans au total, été juges de n'importe quel tribunal du pays ou inscrites au barreau de n'importe quelle province ou de n'importe quel territoire.

Québec : trois juges

(2) Au moins trois des juges sont choisis parmi les personnes qui, après avoir été admises au barreau du Québec, ont, pendant au moins dix ans au total, été inscrites à ce barreau ou juges d'un tribunal du Québec ou d'un tribunal créé par le Parlement du Canada.

Propositions de nominations

101C.(1) En cas de vacance à la Cour suprême du Canada, le gouvernement de chaque province peut proposer au ministre fédéral de la Justice, pour la charge devenue vacante, des personnes admises au barreau de cette province et remplissant les conditions visées à l'article 101B.

Nomination parmi les personnes proposées

(2) Le gouverneur général en conseil procède aux nominations parmi les personnes proposées et qui agréent au Conseil privé de la Reine pour le Canada; le présent paragraphe ne s'applique pas à la nomination du juge en chef dans les cas où il est choisi parmi les juges de la Cour suprême du Canada.

Nomination parmi les personnes proposées par le Québec

(3) Dans le cas de chacune des trois nominations à faire conformément au paragraphe 101B(2), le gouverneur général en conseil nomme une personne proposée par le gouvernement du Québec.

Nominations
parmi les
personnes
proposées
par les
autres
provinces

(4) Dans le cas de toute autre nomination, le gouverneur général en conseil nomme une personne proposée par le gouvernement d'une autre province que le Québec.

Inamovi-
bilité,
traitement,
etc.

101D. Les articles 99 et 100 s'appliquent aux juges de la Cour suprême du Canada.

Rapport avec
l'article 101

101E.(1) Sous réserve que ne soient pas adoptées, dans les matières visées à l'article 101, de dispositions incompatibles avec les articles 101A à 101D, ceux-ci n'ont pas pour effet de porter atteinte à la compétence législative conférée au Parlement du Canada en ces matières.

Renvois
à la Cour
suprême
du Canada

(2) Il est entendu que l'article 101A n'a pas pour effet de porter atteinte à la compétence législative du Parlement du Canada en ce qui concerne le renvoi à la Cour suprême du Canada de questions de droit ou de fait, ou de toute autre question."

7. La même loi est modifiée par insertion, après l'article 106, de ce qui suit :

Programmes
cofinancés

"106A.(1) Le gouvernement du Canada fournit une juste compensation au gouvernement d'une province qui choisit de ne pas participer à un programme national cofinancé qu'il établit après l'entrée en vigueur du présent article dans un secteur de compétence exclusive provinciale, si la province applique un programme ou une mesure compatible avec les objectifs nationaux.

Non-élar-
gissement
des
compétences
légis-
latives

(2) Le présent article n'élargit pas les compétences législatives du Parlement du Canada ou des législatures des provinces."

La même loi est modifiée par insertion, après l'article 147, de ce qui suit :

"XII.--- Conférences sur l'économie et sur d'autres questions

Convocation

148. Le premier ministre du Canada convoque au moins une fois par an une conférence réunissant les premiers ministres provinciaux et lui-même et portant sur l'économie canadienne ainsi que sur toute autre question appropriée.

XIII. -- Mentions

Présomption

149. Toute mention de la présente loi est réputée constituer également une mention de ses modifications."

Loi constitutionnelle de 1982

9. Les articles 40 à 42 de la Loi constitutionnelle de 1982 sont abrogés et remplacés par ce qui suit :

Compensation

"40. Le Canada fournit une juste compensation aux provinces auxquelles ne s'applique pas une modification faite conformément au paragraphe 38(1) et relative à un transfert de compétences législatives provinciales au Parlement.

Consentement
unanime

41. Toute modification de la Constitution du Canada portant sur les questions suivantes se fait par proclamation du gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de chaque province :

a) la charge de Reine, celle de gouverneur général et celle de lieutenant-gouverneur;

b) les pouvoirs du Sénat et le mode de sélection des sénateurs;

c) le nombre des sénateurs par lesquels une province est habilitée à être représentée et les conditions de résidence qu'ils doivent remplir;

d) le droit d'une province d'avoir à la Chambre des communes un nombre de députés au moins égal à celui des sénateurs par lesquels elle était habilitée à être représentée le 17 avril 1982;

e) le principe de la représentation proportionnelle des provinces à la Chambre des communes prévu par la Constitution du Canada;

f) sous réserve de l'article 43, l'usage du français ou de l'anglais;

g) la Cour suprême du Canada;

h) le rattachement aux provinces existantes de tout ou partie des territoires;

i) par dérogation à toute autre loi ou usage, la création de provinces;

j) la modification de la présente partie."

10. L'article 44 de la même loi est abrogé et remplacé par ce qui suit :

Modification des articles 41 et 44. "44. Sous réserve de l'article 41, le Parlement par le Sénat ou la Chambre des communes a compétence exclusive pour modifier les dispositions de la Constitution du Canada relatives au pouvoir exécutif fédéral, au Sénat ou à la Chambre des communes."

11. Le paragraphe 46(1) de la même loi est abrogé et remplacé par ce qui suit :

Initiative des procédures. "46.(1) L'initiative des procédures de modification visées aux articles 38, 41 et 43 appartient au Sénat, à la Chambre des communes ou à une assemblée législative."

12. Le paragraphe 47(1) de la même loi est abrogé et remplacé par ce qui suit :

Modification des articles 38, 41 et 43. "47.(1) Dans les cas visés à l'article 38, 41 ou 43, il peut être passé outre au défaut d'autorisation du Sénat si celui-ci n'a pas adopté de résolution dans un délai de cent quatre-vingts jours suivant l'adoption de celle de la Chambre des communes et si cette dernière, après l'expiration du délai, adopte une nouvelle résolution dans le même sens."

13. La partie VI de la même loi est abrogée et remplacée par ce qui suit :

"PARTIE VI

Conférences constitutionnelles

Convocation

50.(1) Le premier ministre du Canada convoque au moins une fois par an une conférence constitutionnelle réunissant les premiers ministres provinciaux et lui-même, la première devant avoir lieu en 1988.

Ordre du jour

(2) Sont placées à l'ordre du jour de ces conférences les questions suivantes :

- a) la réforme du Sénat, y compris son rôle et ses fonctions, ses pouvoirs, le mode de sélection des sénateurs et la représentation au Sénat;
- b) les rôles et les responsabilités en matière de pêches;
- c) toutes autres questions dont il est convenu."

14. Le paragraphe 52(2) de la même loi est modifié par adjonction de ce qui suit :

"d) les autres modifications qui lui sont apportées."

15. L'article 61 de la même loi est abrogé et remplacé par ce qui suit :

Mentions

"61. Toute mention de la Loi constitutionnelle de 1982 ou des Lois constitutionnelles de 1867 à 1982 est réputée constituer également une mention de leurs modifications."

Dispositions générales

Patrimoine
multi-
culturel et
peuples
autochtones

16. L'article 2 de la Loi constitutionnelle de 1867 n'a pas pour effet de porter atteinte aux articles 25 ou 27 de la Charte canadienne des droits et libertés, à l'article 35 de la Loi constitutionnelle de 1982 ou au point 24 de l'article 91 de la Loi constitutionnelle de 1867.

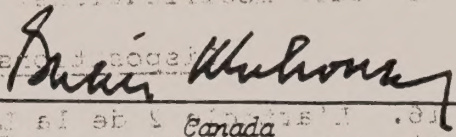
TITRE

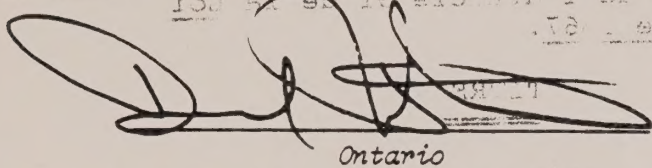
Titre

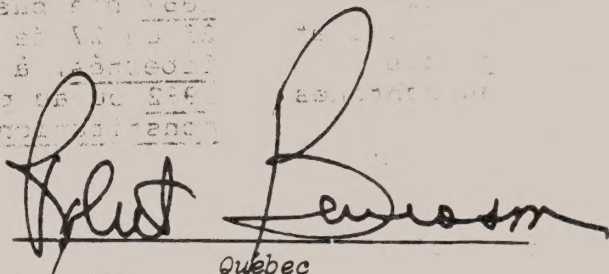
17. Titre de la présente modification :
Modification constitutionnelle de 1987.

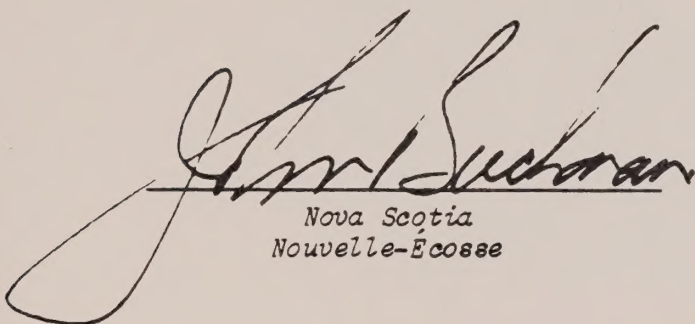
Signed at Ottawa,
June 3, 1987

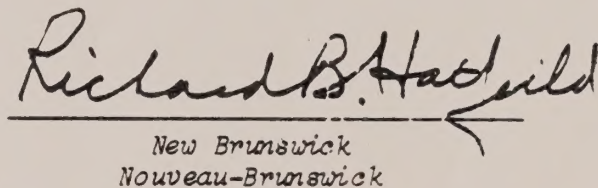
Fait à Ottawa
le 3 juin 1987

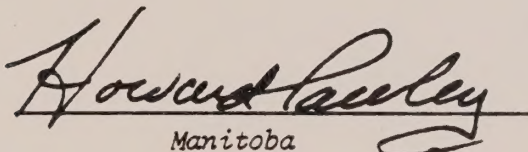

Canada

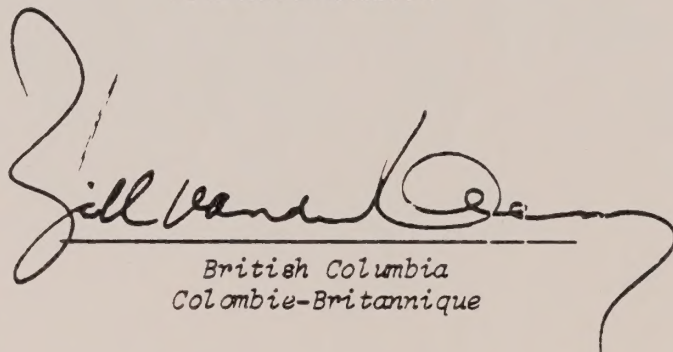

Ontario

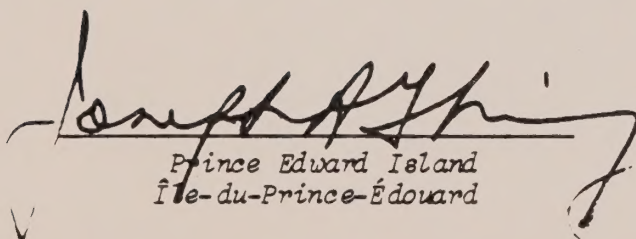

Quebec

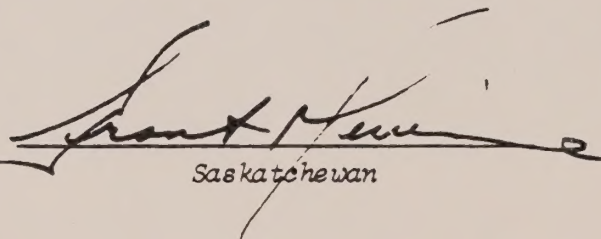

Nova Scotia
Nouvelle-Écosse

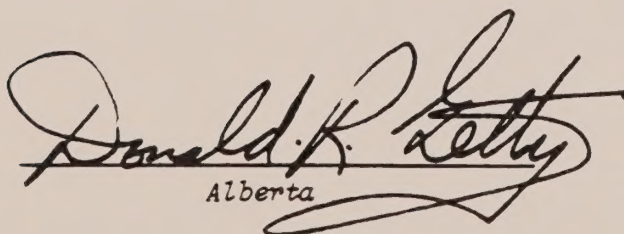

New Brunswick
Nouveau-Brunswick

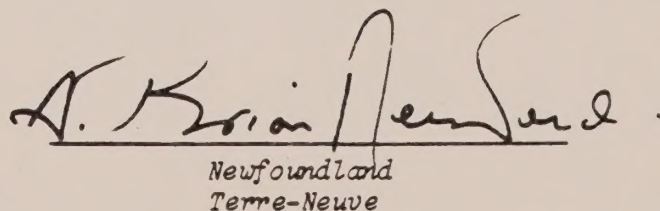

Manitoba


British Columbia
Colombie-Britannique


Prince Edward Island
Île-du-Prince-Édouard


Saskatchewan


Alberta


Newfoundland
Terre-Neuve

